



Council of the European Union  
General Secretariat

Brussels, 25 August 2023

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**Interinstitutional files:**  
**2022/0104 (COD)**  
**2022/0105 (COD)**

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## **MEETING DOCUMENT**

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**From:** General Secretariat of the Council  
**To:** Working Party on the Environment

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**Subject:** Industrial Emissions Directive and Industrial Emissions Portal: WPE meeting on 1 September - Steering note by the Presidency and template for MS comments

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In view of the WPE meeting on 1 September delegations will find in the Annex a steering note for the Industrial Emissions Directive and Industrial Emissions Portal. Delegations will also find a template for providing their comments to the Presidency.

## WORKING PARTY ON THE ENVIRONMENT

**Proposal for a Directive of the European Parliament and of the Council amending Directive 2010/75/EU on industrial emissions and Council Directive 1999/31/EC on the landfill of waste, and proposal for a Regulation of the European Parliament and of the Council on reporting of environmental data from industrial installations and establishing an Industrial Emissions Portal**

### BACKGROUND

1. On 5 April 2022, the Commission presented two related proposals to update and modernise the rules on industrial emissions in the EU:
  - Proposal for a Directive revising the Industrial Emissions Directive and the Landfill Directive (IED); and
  - Proposal for a Regulation to establish a European Pollutant Release and Transfer Register (IEPR) No166/2006.
2. At the meeting of 16 March, the Environment Council adopted the General approach on the Industrial Emissions Directive. On 7 June 2023, COREPER broadly supported the mandate for negotiations with the EP on the revision of the Regulation on the European Pollutant Release and Transfer Register (E-PRTR) No166/2006.
3. The European Parliament adopted its position on the industrial emissions directive (IED) and the directive on the landfill of waste on July 11 by MEPs with 396 votes in favour, 102 against and 131 abstentions. The EP Position entails 250 amendments to the Commission proposal. Parliament's position on the Regulation on the European Pollutant Release and Transfer Register (E-PRTR) was adopted on July 11 with 563 votes in favour, 51 against and 18 abstentions. The EP Position entails 58 amendments.
4. A joint kick off trilogue on the two proposals took place on 19 July 2023. Both the Council and Parliament expressed their willingness to reach an agreement. The EP presented the main elements of the position adopted by the plenary on 11 July 2023 and the Council presented the main elements of the general approach of the Industrial Emissions Directive and the COREPER mandate of the Industrial Emissions Portal.
5. A second trilogue has been agreed with the European Parliament on 10 October 2023, and a third one on 28 November 2023. The Presidency has tentatively planned a WPE on September 27 and a COREPER discussion on October 4 (ahead of the second trilogue.) In addition, ahead of the third trilogue, the Presidency has tentatively planned a WPE on November 16 and a COREPER discussion on November 22. So far, 17 ITMs have been scheduled.

6. In addition to this steering note, a template for written comments has been distributed via the Delegates Portal. The secretariats of the Council and of the European Parliament are currently working on solving technical issues related to the four column documents. It is expected that the four column documents will be distributed on Monday (August 28) via the Delegates Portal.

## **PRESIDENCY GUIDANCE TO REVIEW THE PARLIAMENT'S AMENDMENTS**

### **Oral comments during the Working Group**

Delegations are invited to review the proposed amendments of the European Parliament and to share whether they are in favour, against or neutral towards them – as well as whether any represents a potential red line.

For the sake of clarity, when sharing their comments, delegations will be asked to refer to the row of the four-column document they are speaking about, as well as to the article of the revised piece of legislation.

Delegations will be invited to take the floor in four rounds of comments organised as follows:

1. IED: Art.-1 –Art. 15a (lines 53 to 190 of the four-column document)<sup>1</sup>.  
Please pay attention to amendments on Art. 5(2), Art. 5(4), Art. 5(4a), Art. 5 (4c)&(4b), Art. 8, Art. 11, Art 13, Art. 14(1)(c)(ii), Art. 14(1)(d)(iii), Art. 15(4)(b)<sup>2</sup>
2. IED: Art. 16-Art. 70i (lines 190a to 333).  
Please pay attention to amendments on Art. 16, Art. 21(1), Art. 21(3a), Art. 23(4), Art. 24(2), Art. 25, Art. 26, Art. 27c, Art. 27d, Art 50, Art. 55, Art. 58(1), Art. 63(2), Art. 64(2), Art 70(3), Art. 70a(1), Art. 70a(1a), Art. 70c(1), Art. 70c(4a), Art. 70i, Art. 74 (2a)
3. IED: From Art 71 until the end and annexes (lines 333a to 474m plus the annexes).  
Please pay attention to amendments on Art. 72 (5), Art. 76 (2a), Art. 79, Art. 79a, Annex I, Annex Ia, Annex III points 11 and 12b, Annex IV, Annex IV point 5a, Annex VI-Part 6- point 1.2)
4. All operative provisions related to the Industrial Emissions Portal (lines 46 to 181 plus the annexes)

Given the limited time, delegations are kindly asked to focus their comments on the most important issues in each block and to use no longer than three minutes for their interventions in each of the blocks. The delegations' more elaborate positions could be provided in writing (see below), including on the recitals.

During the meeting, delegations are also invited to highlight what parts of the Council's mandate are particularly sensitive to them.

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<sup>1</sup> The references to the lines of the four column documents are based on drafts of the documents and might slightly change in the final versions

<sup>2</sup> The list of topics to pay particular attention to is based on a preliminary analysis of the COM identifying the topics where the differences between the positions of the Council and the EP are more substantial

## **Written comments**

The Presidency calls for delegations to send written comments by September 5. The Presidency has distributed via de Delegates Portal an excel file to be used by delegations as a template for their written comments. Please kindly use this template, which will greatly help the Presidency systematise and analyse the positions of the Member States – and take them into account during the negotiations with the Parliament.

Please always fill in the row of the four-column document, which we will use as the main point of reference during the negotiation, and the article of the revised piece of legislation you are referring to, especially where the reference to the rows is not possible (Annexes).

Please kindly use the comment's section to explain and elaborate on the arguments why you consider the relevant amendment of the Parliament positive or negative. When possible, please provide figures and data to back your arguments.

